THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

Writ Petition Nos.18667 and 25459 of 2006

Dated: 30-04-2007

Between:

Ameeruddin Academy of General,
Technical and Professional Educational
Society …Petitioner

And

The Registering Authority
O/o The Regional Transport Authority
Ongole ..Respondent

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

Writ Petition Nos.18667 and 25459 of 2006

COMMON ORDER *(Per the Hon'ble Sri Justice Bilal Nazki):*

Heard learned counsel for the parties. Since the issue involved in both the writ petitions is one and the same, they are being disposed of by this common order.

The impugned orders were passed on an application moved by the petitioner for re-registration of the vehicle in Andhra Pradesh. The vehicle of the petitioner was originally registered in the State of Karnataka and the petitioner submits that she obtained a no objection certificate from the authorities in Karnataka, and presented the vehicle along with documents for re-registration before the respondents on 16-08-2006, but the Registering Authority rejected the application on 30-08-2006 making certain endorsements on the application asking the petitioner to pay tax and penalty amounting to Rs.60,209/-. But no reasons were given for rejection of the application. The same has been challenged by the petitioner in Writ Petition No.18667 of 2006.

The petitioner submitted in her affidavit filed in support of W.P.No.25459 of 2006 that when W.P.No.18667 of 2006 came up for hearing before this Court, the learned Government Pleader reported

that the application of the petitioner was not available with the respondents, therefore, this Court directed the petitioner to submit the application, for re-registration of the vehicle, again before the respondents. Hence, she again approached the respondents with the application, but the Regional Transport Officer, Ongole, vide order dated 24-11-2006, directed the petitioner to produce the vehicle before the MVI, Markapur after paying the tax and penalty amounting to Rs.80,009/-. Challenging the same, W.P.No.25459 of 2006 has been filed.

The Regional Transport Officer, Ongole, is present before this Court. He submits that the petitioner had paid tax up to 27-12-2005 at Karnataka, therefore, in terms of the Rules, the petitioner is bound to pay tax from 31-12-2005 in Andhra Pradesh irrespective of the date of her application for registration in Andhra Pradesh.

We are not going into any of these aspects of the matter, at this stage, because no reasons have been given by the first respondent while passing the impugned orders. For having not given any reasons in the impugned orders, we set aside the impugned orders dated 30-08-2006 and 24-11-2006 respectively and direct that the vehicle of the petitioner, in question, be registered and in the meantime, the respondents may pass appropriate fresh orders on the application of the petitioner for re-registration. In case, any more tax is demanded from the petitioner, the petitioner shall either pay it or, if she feels aggrieved of the same, take any appropriate remedies that may be available to her in law.

The writ petitions are accordingly allowed. No order as to costs.

(Bilal Nazki,J)

Dated 30th April, 2007

(Nooty Ramamohana Rao,J)

Note: Issue C.C in three days
(b/o)
vrn